

## REMARKS

By this amendment, the specification, drawings, and claims 1, 4, 7 and 9 have been amended. Claims 1-10 remain in the application. Support for the amendments can be found the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is requested.

### **Rejection under 35 U.S.C. §112**

Claim 10 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection for at least the following reason. On page 7, lines 20-21 of the specification as originally filed, it is stated that "The invention can be implemented ... by means of a suitably programmed computer." Fig. 2 illustrates in the form of a *software* stage machine, a controller according to one embodiment of the present application. (See the specification on page 5, line 1 to page 6, line 15.) In addition, Fig. 3 illustrates a *flow chart form* of the method according to another embodiment of the present application. (See the specification on page 6, line 17 to page 7, line 12.) It is submitted that the limitations "computer-readable medium having programming instructions stored thereon for causing the controller (or computer) to execute the method" are inherent in the language "[t]he invention can be implemented ... by means of a suitably programmed computer" as is found in the specification on page 7, lines 20-21. Accordingly, withdrawal of the rejection is requested.

### **Rejection under 35 U.S.C. §102**

Claim 1 recites a television system comprising a tuner for tuning video signals, a controller for controlling said tuner, and a stage for receiving tuned signals from said tuner and for supplying at least one control signal to said controller, wherein said stage comprises an automatic fine tuning unit for

generating an automatic fine tuning signal and a phase-locked-loop for generating a lock signal more quickly available than the automatic fine tuning signal, said lock signal forming said at least one control signal for said controller to provide an indication whether a channel at a tuned frequency is active or not.

Support for the amendments to claim 1 (as well as for claim 7 and 9) can be found in the specification at least on page 2, lines 1-4; page 3, lines 17-21; page 4, lines 21-22; page 5, lines 20-25; and page 8, lines 6-7.

Claims 1-2 and 7-10 were rejected under 35 U.S.C. §102(b) as being anticipated by **Tults** (US 5,157,492, hereinafter referred to as "**Tults**"). Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that  
*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, with respect to claims 1, 7 and 9, to sustain this rejection the **Tults** reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the **Tults** reference, the latter reference does not disclose a television system or method having a "... stage [comprising] an *automatic fine tuning unit* for generating an automatic fine tuning signal and a *phase-locked-loop* for generating a *lock signal more quickly available than the automatic fine tuning signal*, said *lock signal* ... to provide an *indication* whether a channel at a tuned frequency is active or not" [*emphasis added*] as is claimed in claims 1, 7 and 9. Therefore, the rejection is not supported by the **Tults** reference and should be withdrawn.

In contrast, **Tults** discloses sync validity detecting using a microcomputer in which a tuner 101 includes a local oscillator which is part of and controlled by a phase

locked loop (PLL) 115. PLL 115 generates a tuning voltage (TV) in response to an error signal produced by comparing the frequency (and phase) of a signal derived by dividing the frequency of the local oscillator (LO) signal by a controllable division factor N to a reference frequency signal. ... [D]ata for controlling division factor N is coupled to PLL 115 from an input/output port (terminal) 119 of  $\mu$ C117 in serial fashion. A clock signal used to decode the serial data, is coupled to PLL 115 from an input/output port 121 of  $\mu$ C117. (See Tults, col. 2, lines 50-64.) However, **Tults** does not disclose a television system or method having a "... stage [comprising] an *automatic fine tuning unit* for generating an automatic fine tuning signal and a *phase-locked-loop* for generating a *lock signal more quickly available than the automatic fine tuning signal*, said *lock signal* ... to provide an *indication* whether a *channel* at a *tuned frequency* is active or not" [emphasis added] as is claimed in claims 1, 7 and 9.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claim 2 depends from and further limits independent claim 1 and therefore is allowable as well. Claim 7 is allowable and an early formal notice thereof is requested. Claim 8 depends from and further limits independent claim 7 and therefore is allowable as well. Claim 9 is allowable and an early formal notice thereof is requested. Claim 10 depends from and further limits independent claim 9 and therefore is allowable as well. The 35 U.S.C. § 102(b) rejection thereof has now been overcome.

### **Rejection under 35 U.S.C. §103**

Claims 3-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Tults** (US 5,157,492, hereinafter referred to as "**Tults**"). Applicant respectfully traverses this rejection for at least the following reasons. Claims 3-6 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. § 103(a) rejection thereof has now been overcome. Withdrawal of the rejection is requested.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1, 7 and 9 are in condition for allowance. Claims 2-6 depend from and further limit independent claim 1 and therefore are allowable as well. Claim 8 depends from and further limits independent claim 7 and therefore is allowable as well. Claim 10 depends from and further limits independent claim 9 and therefore is allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-10 is requested.

Respectfully submitted,

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